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ABSTRACT

This issue of "Bill of Rights in Action" looks at historical and recent innovations in law. The first article examines the code of laws developed by the ancient Hebrews which influenced Roman law, English law, and the U.S. Declaration of Independence and Constitution. The second article explores Thomas Jefferson's writing of the Declaration of Independence and the source of his ideas for that document. The final article looks at the animal-rights movement, an active movement seeking recognition of basic rights for animals. Each article includes questions for class discussion and writing, a further reading list, and classroom activities. (BT)

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The
BILL OF RIGHTS IN ACTION

CONSTITUTIONAL RIGHTS FOUNDATION FALL 2000 VOLUME 16 NUMBER 4

The Hebrews and the Foundation of Western Law

The Ten Commandments and other elements of Hebrew law provided a major source for the development of Western legal systems and democracy.

Three thousand years ago, the ancient Hebrew people lived in the Near East in an area called Canaan. This ancient people developed the idea of monotheism, the belief in one god. They believed that their god gave them laws to regulate their society, their religious practices, and their relationships with other people.

Conquered by the neo-Babylonians and later by the Romans, the Hebrews eventually became a scattered people, living in many countries under different legal systems. But they continued to develop their own law and tried to follow it even in foreign lands. Their law was based on the Ten Commandments and other sacred writings, which today we find in the Hebrew Bible. In developing their law, they sometimes borrowed legal concepts from other civilizations as well as passing on their own ideas. The Jewish law that developed influenced Roman law, English law, and our own Declaration of Independence and Constitution.

Moses presents the Ten Commandments to the Israelites in this 15th century painting by Renaissance artist Raphael. (© David Lees/CORBIS)

WORLD HISTORY

Development of Jewish Law

According to Hebrew teachings, a man named Moses led the Jews out of slavery in Egypt around 1250 B.C. and received the Ten Commandments from God (see box on page 4). It was not until the fifth century B.C. that the Hebrews put the commandments and other legal principles into written form. They were contained in the Torah and eventually became the first five books of the Bible. The written Torah ("teaching") provided the ancient Hebrew people with a code of religious and moral laws.

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Innovations in Law

This *Bill of Rights in Action* looks at historical and recent innovations in law. The first article examines the code of laws developed by the ancient Hebrews, which influenced Roman law, English law, and our own Declaration of Independence and Constitution. The second article explores Thomas Jefferson's writing of the Declaration of Independence and the source of his ideas for this document. The final article looks at the animal-rights movement, an active movement seeking recognition of basic rights for animals.

World History: The Hebrews and the Foundation of Western Law

U.S. History: The Declaration of Independence and Natural Rights

U.S. Government: Animal Rights

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In A.D. 70, after the Romans crushed a Hebrew revolt and destroyed the holy temple in Jerusalem, the Hebrew legal system stopped functioning. Faced with religious persecution, many Jews began to leave their homeland, called Palestine by the Romans. Known as Jews, for one region of their homeland called Judea, these people migrated throughout the Middle East, Europe, and other parts of the world.

Some Jewish religious scholars stayed in Palestine while another group of scholars resided in Babylon (in present-day Iraq). For several centuries, scholars in these two centers of Jewish thought debated and interpreted the Torah. The vast literature that resulted from this effort is called the Talmud. The Talmud mainly focused on how the laws of the Torah should be applied to everyday life.

The written Torah, not the whims of kings, was considered the law of the land.

Starting as early as the second century A.D., Jewish scholars attempted to compile a code of laws from the Torah and other sources, which would assemble all Jewish law in one place. One famous Jewish legal scholar, Moses Maimonides, claimed that the Torah and his own code, completed in 1187, were all that were necessary to know everything about Jewish law. Several centuries later in 1563, Joseph Caro incorporated the work of Maimonides and other great Jewish scholars into his own code. This has become the main authority on Jewish law up to this day.

Over time, Jewish scholars have disagreed about nearly every point of the law. Today, three main divisions exist within Judaism. Orthodox Jews believe that the laws of the Torah and Talmud written centuries ago must still be strictly observed. Conservative Jews follow the old laws, but also see them as open to interpretation. Reform Jews view the traditional Jewish religious and moral laws as guides to life, but not binding in every detail.

Equality

The Torah teaches that God created Adam, the first human, as the father of all peoples. Thus, all humans are born equal and should be treated equally by the law.

Although the idea of equality before the law begins with the Torah, the Hebrews did not at first recognize the full meaning of this principle. Like most other Middle Eastern peoples in ancient times, the Hebrews did not treat women as the legal equals of men. For example, women were usually not permitted to appear as witnesses in court. Nevertheless, Jewish law still identified many women's rights and protections.

The Hebrews also permitted slavery. In many cases, persons bound themselves into slavery to pay debts. Others were thieves ordered by the court into slavery if they could not otherwise pay restitution to their victims. But masters had to release their slaves after six years. They also had to give them a gift to help them start a new life. Jewish law placed so many restrictions on slavery that it had nearly disappeared by the Middle Ages.

The Rule of Law

The Torah does not recognize the idea of kings ruling by divine right. According to tradition, the Hebrew people made Saul their first king in 1030 B.C., when enemy nations threatened their survival. But Saul and the other Hebrew kings that followed him were never considered to be gods or high priests with the power to interpret God's will.

Hebrew kings, like everyone else, had to obey the Ten Commandments and the other laws of the Torah. The written Torah, not the whims of kings, was considered the law of the land.

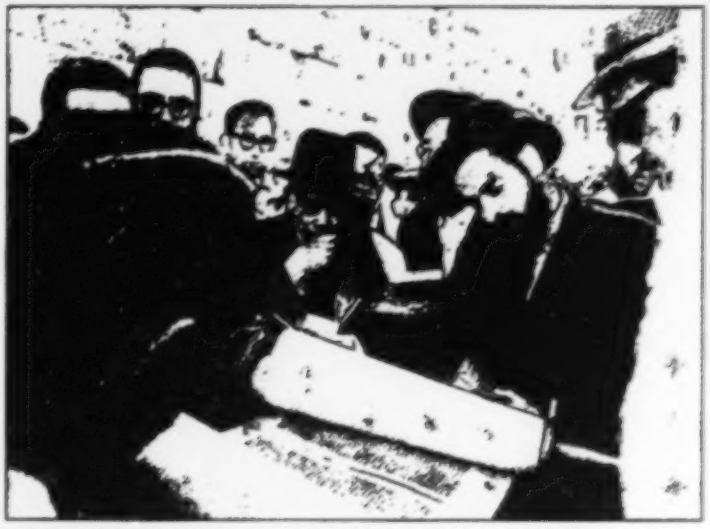
Majority Rule and Democracy

The Hebrew concept of majority rule comes from the Torah's command to "follow the multitude." The majority decided disputes among scholars on the meaning of God's laws, the court decisions of judges, and the local acts of Jewish communities.

Since Jews lived under the rule of foreign nations after A.D. 70, they practiced only limited forms of self-government. By the 12th century, however, many countries permitted Jewish communities to elect local town councils, the "Seven Good Men of the City." These councils, chosen by the majority of adult males, supervised religious, economic, educational, and charity activities. The entire community often decided important questions at a town meeting.

Freedom of Religion and Speech

Being born a Jew makes one obligated to follow the Torah. But Jews must do this freely. Non-Jews have the freedom to practice their own religions. Moreover, unlike most other religions, Judaism does not actively seek converts.



Modern-day Jews gather to read from the Torah at the site of the holy temple in Jerusalem, which was destroyed by the Romans in A.D. 70. (© Ted Spiegel/CORBIS)

A tradition of free speech existed among the Hebrews. Hebrew prophets openly spoke out against their kings and the people for failing to follow the Torah. During the long history of disputes over the meaning of the Torah, no one was tried for heresy (going against religious doctrine). Also, while the majority decided matters of law, the minority had a chance to be heard and their opinions were often recorded.

Fair Trial

In Judea, the court system had three levels. The highest court was the Great Sanhedrin, which had 71 judges. Lesser courts with 23 judges dealt with death penalty cases. Lower courts with three judges handled most civil and criminal matters. Most of these courts stopped functioning after the Romans destroyed the temple in Jerusalem. In countries where they were permitted to operate, however, three-judge courts continued to hand out justice in Jewish communities.

Many parts of the Torah, Talmud, and the codes of law that followed described due process procedures to ensure fair trials. Anyone accused of a crime had the right of bail except in death-penalty cases. Traditional Jewish courts had no trained lawyers arguing cases. The prosecutor was either the victim himself or, if he had been killed, a relative ("blood-avenger") or someone appointed by the court. The accused could defend himself or ask another to plead for him. Evidence included documents and the testimony of witnesses. The consistent testimony of two male witnesses to the crime was necessary to convict the accused. The judges closely cross-examined witnesses in the presence of the accused. Circumstantial evidence alone was never enough to find someone guilty. Witnesses who broke the commandment forbidding one to "bear false witness" faced the same penalty that the accused would have suffered. The accused had an absolute right against self-incrimination and was not permitted to make statements harmful to himself. Likewise, confessions were not admissible evidence in court. There was no jury. The judges deliberated with the accused looking on. The youngest judge spoke his opinion first in order to avoid being influenced by the senior judges. The judges then decided the verdict by majority vote.

Punishment

The Torah clearly states the punishment for violating the commandment against killing: "Whoso sheddeth man's blood by man shall his blood be shed; for in the image of God made He man." Other capital crimes included adultery, idolatry, kidnaping, and burglary. Methods of execution in the Old Testament included burning, slaying with a sword, and stoning by the people. Because of the strict requirement of due process demanded by Jewish law to convict a murderer, some scholars believe the death penalty was rarely carried out.

Over the centuries, Jewish scholars agonized about the death penalty. Since the Torah says that man's body is holy and should not be mutilated, scholars devised execution methods to avoid this desecration. For example, they argued that "stoning" meant pushing a criminal off a high place into stones below to bring about a quick death with a minimum of mutilation.

The community courts that were allowed to operate in Europe and elsewhere used a variety of punishments to discipline violators of Jewish law. The most common punishment was flogging (no more than 39 lashes). Judges often reduced the number of lashes after taking account of the offender's physical condition. The courts also used the "ban," which placed great restrictions on the lives of lawbreakers or expelled them from the community.

In 1948, the Jewish people regained a homeland when they established the modern state of Israel. Today, this

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democratic nation is not strictly governed by the old Hebrew laws of the Torah. Israel has adopted modern procedures and individual rights from English and other Western legal systems. Many of these procedures and rights, however, had been developed from ancient principles of Jewish law.

For Discussion and Writing

1. In what ways did ancient Hebrew law differ from that of other Middle East civilizations?
2. What made the development of Jewish law after A.D. 70 different from that of other peoples?
3. What elements of Jewish law can you find in the U.S. Bill of Rights?

For Further Reading

Cahill, Thomas. *The Gifts of the Jews.* New York: Doubleday, 1998.

Konvitz, Milton, ed. *Judaism and Human Rights.* New York: W. W. Norton, 1972.

ACTIVITY

Should the Ten Commandments Be Posted In Public School Classrooms?

Today, some people are urging that the Ten Commandments be posted in every public school classroom. This proposal is not new. In 1978, the Kentucky state legislature passed a law requiring it. The stated purpose of this law was to honor a fundamental legal code of Western Civilization. The law was challenged in court as violating the First Amendment of the U.S. Constitution, which states that no law can be made "respecting an establishment of religion."

The challengers argued that the Ten Commandments are held sacred by the Jewish and Christian religions. They pointed out that although some of the commandments concern secular matters such as murder, adultery, and stealing, other commandments relate to religious matters such as worshiping no other god, shunning idolatry, not using the Lord's name in vain, and observing the sabbath. They argued that the law was an attempt by the state government to officially favor these religious beliefs.

Supporters of the law argued that the stated purpose of the law was not religious. They pointed out that our system of laws are based on these commandments and that it is important for students to learn about them. They argued that the law neither advances nor curbs any religion or religious group.

The Ten Commandments

1. I am the Lord your God, who brought you out of the land of Egypt, out of the house of bondage. You shall have no other gods before me.
2. You shall not make for yourself a graven image. You shall not bow down to them or serve them.
3. You shall not take the name of the Lord your God in vain.
4. Remember the sabbath day, to keep it holy.
5. Honor your father and your mother.
6. You shall not kill.
7. You shall not commit adultery.
8. You shall not steal.
9. You shall not bear false witness against your neighbor.
10. You shall not covet.

This is an abridged text from Exodus 20:1–17. Different versions alter the numbering of the commandments.

In this activity, the class will discuss whether the Ten Commandments should be posted in public school classrooms.

1. Each student should review the article, the Ten Commandments, and the First Amendment, and then prepare a tentative written position.
2. Ask half the class members to sit in a circle to share thoughts on the activity question. The rest of the class will observe. The teacher may ask the group clarifying questions as the discussion proceeds.
3. After 10 minutes of discussion, ask the other half of the class to sit in the circle to share opinions while the first group observes.
4. After 10 minutes, anyone in the class may offer final thoughts or arguments.
5. The class then may take a vote on the activity question.

The U.S. Supreme Court decided a case on this question in 1980: *Stone v. Graham*, 449 U.S. 39 (1980). This opinion is available on the Internet. See **oyez.nwu.edu** or **www.findlaw.com**.

The Declaration of Independence and Natural Rights

Thomas Jefferson, drawing on the current thinking of his time, used natural rights ideas to justify declaring independence from England.

The Continental Congress chose a committee to draft the Declaration of Independence. On the committee were Benjamin Franklin, Thomas Jefferson, John Adams, Robert Livingston, and Roger Sherman. The actual writing was done by Jefferson. (© Bettmann/CORBIS)

Thomas Jefferson, age 33, arrived in Philadelphia on June 20, 1775, as a Virginia delegate to the Second Continental Congress. Fighting at Lexington, Concord, and Bunker Hill had already broken out between the colonists and British troops. Even so, most in Congress wanted to work out some mutual agreement with the mother country.

For more than a year, the Americans had sent petitions to England proclaiming their grievances against the British government. Colonists even appealed to the British people, pleading with them to elect different members of Parliament who would be more open to compromise. But the "British brethren" refused to do this.

Soon after Jefferson arrived in Philadelphia, Congress assigned him to draft a document explaining why the colonists had taken up arms against England. Even at this late date, the Congress still blamed only Parliament and the king's government ministers, not King George himself, for the growing conflict. Jefferson's Declaration of the Causes and Necessity for Taking Up Arms stopped short of declaring independence, but pointed out the folly of governing the American colonies from England.

US HISTORY

Neither Parliament nor King George, however, were interested in negotiations to prevent all-out war. In August 1775, King George issued a proclamation charging that the Americans "had proceeded to open and avowed rebellion." A few months later, Parliament passed a significant act that placed the American colonies outside the king's protection. This act allowed the seizing of American ships, justified the burning of colonial towns, and led to sending war ships and troops, including foreign mercenaries, to put down the rebellion. Meanwhile, the royal governor of Virginia offered freedom to slaves who joined the British cause. These actions by the British king and government inflamed Americans who were undecided about independence and made war with England all but certain.

In May 1776, the Continental Congress took a fateful step and passed a resolution that attacked King George himself. This was not the first time in English history that such a thing had occurred. In 1688, Parliament had similarly denounced King James II. This led to the so-called Glorious Revolution, which drove James off the throne. Now, almost 100 years later, a formal declaration of independence by the Continental Congress was the only thing standing in the way of a complete break with King George.

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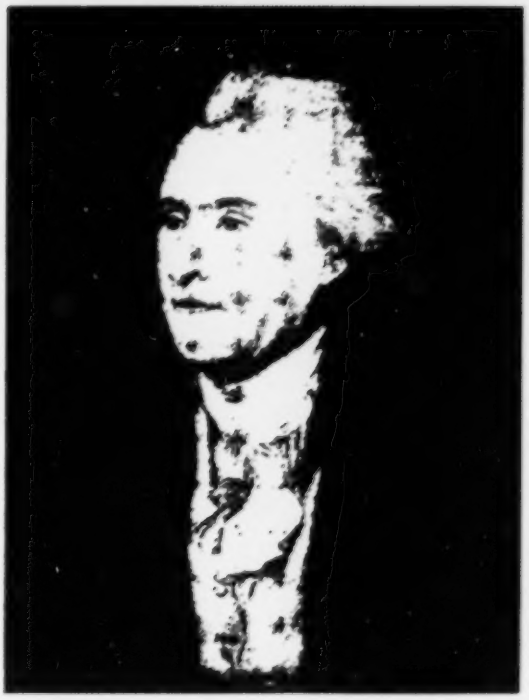
The Declaration of Independence

Even before the Continental Congress declared independence, most colonies along with some towns, counties, and even private organizations had issued their own declarations. In most cases, these statements detailed British abuses of power and demanded the right of self-government.

On June 8, 1776, the Continental Congress voted to write a declaration of independence and quickly appointed a committee to draft a formal document. But the job of actually writing the draft fell to Thomas Jefferson, mainly because John Adams and other committee members were busy trying to manage the rapidly escalating war with England.



Thomas Jefferson's words in the Declaration of Independence stand as a basic statement of the ideals of American democracy. (U.S. Library of Congress)

Working off and on while attending to other duties, Jefferson completed his draft of the declaration in a few days. He argued in his opening two paragraphs that a people had the right to overthrow their government when it abused their fundamental natural rights over a long period of time. Then in a direct attack on King George, Jefferson listed 20 instances when the king violated the rights of the American colonists. Having thoroughly laid out his proof that the king was a "tyrant" who was "unfit to be the ruler of a people," Jefferson continued on to condemn the British people. "These unfeeling brethren," he wrote, had reelected members of Parliament who had conspired with the king to destroy the rights of the colonists. Jefferson ended his draft by stating, "we do assert and declare these colonies to be free and independent states. . . ."

When Jefferson submitted his draft to the Congress on June 28, the delegates spent little time on his opening paragraphs, which today are the most famous parts of the Declaration of Independence. Instead, they concentrated on Jefferson's list of grievances against King George and the British people.

The delegates made some small changes to improve the Declaration's clarity and accuracy. But they also ripped apart the last sections of Jefferson's draft, deleting about 25 percent of it. They eliminated most of his harsh language directed against the British people and totally cut out Jefferson's passionate assault on slavery and the slave trade.

The removal of the section on slavery, Jefferson's last grievance against the king, probably resulted from objections by Southern slave-holding delegates. But Jefferson's argument was weakened when he blamed the king alone for continuing the slave trade and then condemned him for offering freedom to slaves who joined the British in fighting the American rebels.

Jefferson grew depressed as more and more of his words were cut or changed. He later wrote that the Congress had "mangled" his draft.

On July 2, 1776, the Continental Congress voted to declare the independence of the American colonies from English rule. On the Fourth of July, they approved the final edited version of the Declaration of Independence. There would be no turning back now.

Natural Rights

The members of the Continental Congress made only two minor changes in the opening paragraphs of Jefferson's draft declaration. In these two paragraphs, Jefferson developed some key ideas: "all men are created equal," "inalienable rights," "life, liberty, and the pursuit of happiness." Where did Jefferson get these ideas?

Jefferson was a man of the Enlightenment. This was the period during the 17th and 18th centuries when thinkers turned to reason and science to explain both

the physical universe and human behavior. Those like Jefferson thought that by discovering the "laws of nature" humanity could be improved.

Jefferson did not invent the ideas that he used to justify the American Revolution. He himself said that he had adopted the "harmonizing sentiments of the day." These ideas were, so to speak, "in the air" at the time.

As a man of the Enlightenment, Jefferson was well acquainted with British history and political philosophy. He also had read the statements of independence drafted by Virginia and other colonies as well as the writings of fellow revolutionaries like Tom Paine and George Mason. In composing the declaration, Jefferson followed the format of the English Declaration of Rights, written after the Glorious Revolution of 1688–89.

Most scholars today believe that Jefferson derived the most famous ideas in the Declaration of Independence from the writings of English philosopher John Locke. Locke wrote his *Second Treatise of Government* in 1689 at the time of England's Glorious Revolution, which overthrew the rule of James II.

Locke wrote that all individuals are equal in the sense that they are born with certain "inalienable" natural rights. That is, rights that are God-given and can never be taken or even given away. Among these fundamental natural rights, Locke said, are "life, liberty, and property."

Locke believed that the most basic human law of nature is the preservation of mankind. To serve that purpose, he reasoned, individuals have both a right and a duty to preserve their own lives. Murderers, however, forfeit their right to life since they act outside the law of reason.

Locke also argued that individuals should be free to make choices about how to conduct their own lives as long as they do not interfere with the liberty of others. Locke therefore believed liberty should be far-reaching.

By "property," Locke meant more than land and goods that could be sold, given away, or even confiscated by the government under certain circumstances. Property also referred to ownership of one's self, which included a right to personal well being. Jefferson, however, substituted the phrase, "pursuit of happiness," which Locke and others had used to describe freedom of opportunity as well as the duty to help those in want.

The purpose of government, Locke wrote, is to secure and protect the God-given inalienable natural rights of the people. For their part, the people must obey the laws of their rulers. Thus, a sort of contract exists between the rulers and the ruled. But, Locke concluded, if a government persecutes its people with "a long train of abuses" over an extended period, the people have the right to resist that government, alter or abolish it, and create a new political system.

Jefferson adopted John Locke's theory of natural rights to provide a reason for revolution. He then went on to offer proof that revolution was necessary in 1776 to end King George's tyranny over the colonists.

"All Men Are Created Equal"

Since 1776, no words in the Declaration of Independence have received more attention than Jefferson's phrase, "All men are created equal." But how could Jefferson and the other signers of the declaration believe this when slavery existed in the colonies? Some slave owners argued that slaves would become equal and worthy of natural rights only when they became civilized. For Jefferson, a life-long owner of slaves, this was a much more complex issue.

Most scholars today believe that Jefferson derived the most famous ideas in the Declaration of Independence from the writings of English philosopher John Locke.

At an early age, Jefferson concluded that slavery was wrong. To his credit, he attempted to denounce slavery, or at least the slave trade, in the Declaration of Independence. Some scholars believe that Jefferson agreed with Scottish philosopher Francis Hutcheson that all men are born morally equal to one another and that "Nature makes none masters, none slaves." But, how does this explain that Jefferson kept most of his slaves throughout his lifetime?

It appears that while Jefferson opposed slavery in principle, he saw no obvious way to end it once it became established. If the slaves were freed all at once, Jefferson feared that white prejudice and black bitterness would result in a war of extermination that the whites would win. He fretted that if slaves were

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individually emancipated they would have nowhere to go and no means to survive on their own. Of course, Jefferson along with most other Southern plantation owners were also economically dependent on slave labor.

The best Jefferson could come up with was a plan to take slave children from their parents and put them in schools to be educated and taught a trade at public expense. Upon becoming adults, they would be transported to a colony somewhere and given tools and work animals to start a new life as a "free and independent people."

Nothing ever came of Jefferson's fanciful plan. Slavery in the new United States of America would last another 89 years until the end of the Civil War. But even then, the equality promised in the Declaration of Independence was denied not only to African Americans, but also to other minorities and women. Even today, Americans are still not certain what equality means in such areas as affirmative action, sex discrimination, and gay rights.

The Declaration of Independence has no legal authority. It is not part of the basic law of the United States like the Constitution and the Bill of Rights. But its words have resonated as the ideals of the United States. Abolitionists in the 19th century asked Americans to live up to the ideal of equality and eliminate slavery. The civil rights movement of the 20th century pressured America to honor the commitment made in the declaration. The document still speaks to us today about the rights of Americans, as it did in 1776.

For Discussion and Writing

1. List the main ideas in John Locke's theory of natural rights and revolution. Then read Jefferson's first two paragraphs in the Declaration of Independence. What similarities and differences do you see?
2. Write a letter to Thomas Jefferson expressing your views on his ideas about equality and slavery.
3. "All men are created equal." What do you think this means for us today?

For Further Reading

Ellis, Joseph J. *American Sphinx, The Character of Thomas Jefferson.* New York: Alfred A. Knopf, 1998.

Maier, Pauline. *American Scripture, Making the Declaration of Independence.* New York: Alfred A. Knopf, 1998.

ACTIVITY

"Life, Liberty, and the Pursuit of Happiness"

In this activity, students discuss some of the ideals in the Declaration of Independence.

1. Form small groups to discuss the meaning of the three natural rights that Jefferson identified in the Declaration of Independence: "Life, Liberty, and the Pursuit of Happiness."
2. For each one of the three rights, group members should answer this question: What does this right specifically refer to in our lives today?
3. The groups should then post their answers for the rest of the class to see.
4. Hold a general class discussion and vote, if necessary, to drop or keep the meanings that each group has developed for the three rights.

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Animal Rights

Do animals, like humans, possess certain inalienable rights? A growing movement in America believes they do.

Concern for animals has a long history. The ancient Greek philosopher and mathematician Pythagoras argued against cruelty to animals. St. Francis of Assisi, who founded the Franciscan order of Catholic monks in the middle ages, taught that animals are our brothers. In 1641, Massachusetts Puritans wrote a code of laws called "The Body of Liberties." One of the laws in this code said, "No man shall exercise any tyranny or cruelty towards any brute creatures which are usually kept for man's use." This law seemed to imply that animals, at least farm livestock, had the right to a life free of unnecessary suffering.

Monkeys sit in a cage at the University of Washington's Health and Sciences department where they are used in AIDS research. (© Dan Lamont/CORBIS)

The American Society for the Prevention of Cruelty to Animals started in New York in 1866. Through its efforts, New York drafted an animal protection law that became a model for most of the other states. This law prohibited any needless torture, overloading, beating, mutilation, or killing of "any living creature." It still permitted, however, "properly conducted scientific experiments" involving animals. The Society for the Prevention of Cruelty to Animals and similar organizations worked for many years at the state and local levels to monitor animal dealers, circuses, zoos, movie makers, and pounds.

The New Movement

In the second half of the 20th century, a new wave of more aggressive animal-rights activists formed. They differed from previous activists because they do not simply want people to stop treating animals cruelly. They believe that animals, like humans, have certain inalienable rights. Peter Singer, author of *Animal Liberation*, is one of these activists. He argues that all animals are equal. By this he does not mean that all animals should vote or have freedom of speech. These rights would be meaningless for animals other than humans. Nor does he mean that all animals should be treated the same. He means that all animals should have equal consideration for their well-being. The well-being of a pig and a human are far different, he says. A pig belongs with other pigs where they can eat and run freely. A child needs to learn how to read.

Singer says that it is morally irrelevant that animals cannot speak and are not as intelligent as humans. He points out that we still accord human infants and mentally retarded people equal consideration. According to Singer, the characteristic that gives a being the moral right to equal consideration is the capacity for suffering and enjoyment. "If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering . . . of any other being." Singer has a term for those who allow the interests of humans "to override the greater interests of members of other species." He calls them "speciesists."

Few argue with Singer that we should take an animal's suffering into account. Those disagreeing with him, however, believe that human life is worth more than animal life. R.G. Frey, a philosopher and author of *Interests and Rights: The Case Against Animals*, says that most people believe that the value of animal life varies. He notes that most people value dogs, cats, and chimps more than mice, rats, and worms. He gives the example of a dog and a human on a raft. If only one can be saved, he says, few would disagree that it should be the human.

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The reason he thinks human life is more valuable is that it has more potential richness to it. He says that unlike animals, "there are . . . whole dimensions to our lives—love, marriage, educating children, jobs, hobbies, sporting events, cultural pursuits, intellectual development and striving, etc.—that greatly expand our range of absorbing endeavors and . . . significantly deepen the texture of our lives."

The debate over animal rights, however, does not usually occur in the abstract. It has taken place over a series of issues.

Animal Experimentation

In the 1980s, groups like People for the Ethical Treatment of Animals (PETA) protested the use of animals in cosmetics testing. Revlon tested the safety of its eye makeup by applying substances directly on the eyes of rabbits. Protesters carried signs saying, "How many rabbits does Revlon blind for beauty's sake?" Within six months Revlon agreed to a permanent ban on animal tests. Over the next 10 years, protests forced more than 500 other cosmetic companies to give up animal tests.

A group representing People for the Ethical Treatment of Animals (PETA) stages a protest against the use of animals in scientific testing on the campus of the University of California, Los Angeles. (© Joseph Sohm; ChromoSohm Inc./CORBIS)

Other protests targeted medical research. During the early 1960s, investigators revealed that laboratory test animals were often forced to live under filthy conditions in cages that were too small without any veterinary care to ease the pain caused by the experiments. A movement soon emerged to ban all testing on animals. But alarmed medical researchers argued that animal testing played a necessary role in ending diseases such as polio, making human organ transplants possible, and developing many kinds of life-saving drugs.

Congress passed the first federal law regulating the treatment of lab animals in 1966. The Animal Welfare Act did not become effective, however, until Congress passed strengthening amendments in 1985. The amendments require humane treatment and adequate feeding, sanitation, shelter, and vet care for lab animals. The amendments also call for "a physical environment to promote the psychological well-being of primates." Farm animals as well as birds, rats, and mice (which are used the most in laboratory experiments) are not covered by this law. The strengthened Animal Welfare Act applies not only to research facilities, but also to animal dealers and exhibitors like zoos.

The dispute boils down to two main issues: First, does animal research improve human health? Dr. Michael E. DeBakey, chairman of the Foundation for Biomedical Research, states: "Not one advancement in the care of patients—advancements that you use and take for granted every day—has been realized without the use of animal research."

PETA disputes this. It says that rats and mice are so different from humans that studies on them tell little about humans. It asserts that "sophisticated non-animal research methods are more accurate, less expensive, and less time-consuming than traditional animal-based research methods."

The second issue is: Even if it helps humans, is it ethical? It is clearly not ethical to conduct medical experiments on humans. Is it all right to conduct them on animals?

Highly Intensive Animal Production

Before World War II, animals meant for food usually lived outdoors, except in extreme weather. Today, these animals live on what animal-rights activists call "factory farms." Chickens, an important part of the American diet, live in small cages stacked one on top

of another in temperature-controlled, windowless barns. Often their beaks and claws are trimmed so they cannot harm one another if they fight. They are fed a special diet that promotes their growth and includes antibiotics to control disease. Other food animals—pigs, turkeys, and calves—live in similarly controlled environments.

Animal-rights activists consider these environments unnatural, inhumane, and incredibly exploitative of animals. They say that the food producers are treating the animals as machines, ignoring their pain, frustration, and natural desires. The Humane Society of the United States says: "Factory farms deny animals many of their most basic . . . needs. . . . Such artificial conditions cause animals to suffer from boredom, frustration and stress, which often leads to abnormal behavior, including unnatural aggression." The society claims hundreds of thousands of chickens die every day due to these conditions, but the companies simply consider this a cost of doing business.

> *If a being suffers, there can be no moral justification for refusing to take that suffering into consideration.*

Farmers deny all this. They say that their most important concern is the health of their animals because their businesses depend on this. They point out that American food production is the envy of the world. They say that animal-rights activists overly idealize animal life on a traditional farm. The Animal Industry Foundation, a national organization for animal agriculture, says: "Housing protects animals from predators, disease, and bad weather or extreme climate. Housing also makes breeding and birth less stressful, protects young animals, and makes it easier for farmers to care for both healthy and sick animals. Modern housing is well ventilated, warm, well-lit, clean and scientifically designed for the specific needs of the animal, such as the regular availability of fresh water and a nutritionally balanced diet."

Animal experimentation and intensive animal production are the two issues in the forefront of the animal-rights movement. But they are not the only ones. Animal-rights activists have also questioned the value of hunting animals, horse and dog racing, using animals for entertainment (in films, circuses, and zoos), eating meat, wearing fur, and even owning pets.

For Discussion

1. What is "speciesism"? Do you think it is a valuable concept? Why or why not?
2. Do you think human life is more valuable than animal life? Explain.
3. What rights, if any, do you think animals should have?

For Further Reading

Guither, Harold D., *Animal Rights: History and Scope of a Radical Social Movement*. Carbondale, Illinois: Southern Illinois University Press, 1998.

Harnack, Andrew, editor, *Animal Rights: Opposing Viewpoints*. San Diego: Greenhaven Press, 1996.

Jasper, James A. and Dorothy Nelkin, *The Animal Rights Crusade: The Growth of a Moral Movemer.*. New York: The Free Press, 1992.

A C T I V I T Y

Should It Continue?

In this activity, students evaluate different behavior using animals.

1. Divide the class into small groups and assign each group one of the behaviors listed below.
2. Each group should discuss the following questions and prepare to report their answers to the whole class.
   (a) What are the benefits of the behavior?
   (b) What are the burdens to animals?
   (c) Do you think the activity should continue? Explain your answer.

Behavior

a. Creating tumors in laboratory mice in order to see if a drug will reduce the tumor.
b. Keeping chickens on what animal-rights activists call a "factory farm."
c. Deer hunting for sport.
d. Eating meat.
e. Wearing fur.
f. Putting chimpanzees in zoos.
g. Owning a cat or dog for a pet.

CONSTITUTIONAL RIGHTS FOUNDATION

PostScript

RESOURCES AND MATERIALS FOR CIVIC EDUCATION

New! Revised! Updated!

Criminal Justice in America

Grades: 9–12

Our most popular publication, ***Criminal Justice in America***, has been completely revised, updated, and supplemented. This latest edition features new and revised readings, up-to-date statistics, and new, expanded case studies. The most comprehensive secondary text available on the subjects of criminal law, procedure, and criminology, ***Criminal Justice in America*** can serve as a text for an entire law-related education course or as a supplement for civics, government, or contemporary-issues courses.

Student Edition has six units:

- **Crime:** Victim rights, history of crime, methods for measuring crime, white collar crime, violent crime, youth gangs, elements of crimes, and legal defenses to crime.
- **Police:** History of law enforcement, criminal investigations, search and seizure, interrogations and confessions, the exclusionary rule, the use of force, and police-community relations.
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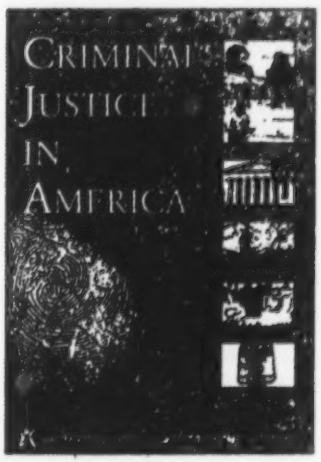

- **Corrections:** Theories of punishment, history of corrections, sentencing, alternatives to incarceration, prison conditions, parole, recidivism, and capital punishment.
- **Juvenile Justice:** History of the juvenile system, delinquency, status offenses, steps in a juvenile case, rights of juveniles, juvenile corrections, transfer to the adult system, and death penalty for juveniles.
- **Solutions:** Debates over the cause of crime, racism in the justice system, history of vigilantism, policy options to reduce crime and make the criminal justice system fairer, and options for individual citizens.

New in this Edition

The best introductory text on criminal justice is now even better. In addition to revising and updating everything, we have expanded the student book from 290 to 320 pages. We have added:

New readings on theft crimes, hate crimes, cybercrimes, local police, criminal investigations, crime labs, racial profiling, police corruption, judicial independence, criminal lawyers, plea bargaining, trial strategy, the high rate of incarceration, federal drug-sentencing laws, the death penalty, and gun control.

A new index and **expanded table of contents**.

More than **50 charts and graphs** providing interesting information and teachable moments.

Exciting interactive activities linked to the readings.

Also, our web site has ***Criminal Justice in America* Links**. Organized by chapter in the book, our continually updated site has links to more readings, the latest statistics, the court cases mentioned in the book, and much, much more. Go to www.crf-usa.org, click on Links, and click on *Criminal Justice in America* Links.

Take Students to the Heart of the Justice System

People v. Rose—The Latest in CRF's Mock Trial Series

Grades 6–12

With CRF's Mock Trial Series, students acquire critical-thinking skills, and an in-depth understanding of our judicial process while they study a hypothetical case, conduct legal research, and role play a courtroom trial. Each Mock Trial packet includes a hypothetical case, witness statements, legal authorities, trial instructions, and procedural guidelines. It also includes a pretrial motion, designed to deepen student understanding of constitutional issues.

People v. Rose—After students are poisoned at a high school club initiation, police arrest a member of the "pledge class" who seems to have a motive of revenge for hazing and blackballing. Pretrial issue: Were the search of the student's computer and seizure of computer files legal?

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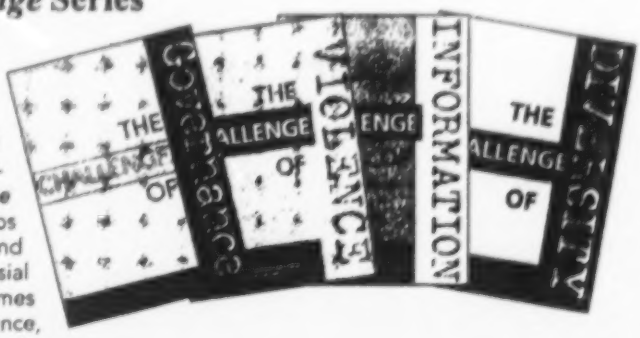
CRF's *Challenge* Series Is Completed



Grades 9–12

We have just finished our fourth and final volume in the *Challenge* series. This series helps students understand and evaluate controversial topics. Previous volumes have covered violence, information, and diversity. The final volume is *The Challenge of Governance*. Made possible by a generous grant from the W.M. Keck Foundation of Los Angeles, these supplemental materials feature balanced readings, guided discussions, and interactive lessons designed to address key challenges to our democracy.

The Challenge of Governance

This supplementary text for U.S. government courses is specifically designed to help students gain proficiency in meeting the National Standards for Civics and Government. It provides standards-based readings, directed discussions, and interactive activities addressing both intellectual and participatory skill development.

The Challenge of Diversity

This text gives students an in-depth look at the role diversity plays in America. National standards for U.S. history and civics are linked to each lesson. It traces the development of equal protection from slavery and the Constitution to the Civil War amendments, tells the story of America's immigrants, follows the civil rights movement of the 1950s and '60s from the streets to the courts to Congress, and explores current issues of diversity—affirmative action, bilingual education, multiculturalism, reparations, hate crimes, and more. It also provides students with methods to promote diversity in their own school and community.

The Challenge of Information

How do you teach your students to think critically about the information—and disinformation—that floods todays newsstands, airwaves, and the Internet? *The Challenge of Information* helps students explore constitutional issues dealing with a free press; examine the tension between press freedom and responsibility; delve into the conflict between freedom of the press and the right to a fair trial, apply critical-thinking skills to myths, rumors, and conspiracies; and evaluate censorship and the Internet. It includes "Countdown to Doomsday," an Internet activity in which students play investigative reporters who must separate fact from fiction.

The Challenge of Violence

Challenge your students to grapple with one of America's most vexing problems—violence. *The Challenge of Violence* helps students place the problem of violence in its historical context, examine how law and public policy seek to address the problem of violence, and take action against violence in their own lives and in their communities.

Each volume in the *Challenge* series is 72 pages, is fully illustrated with photos and editorial cartoons, and comes with a separate teacher's guide. Ideal for government and civics, 20th-century U.S. history, contemporary problems, and law-related courses.

COMING SOON!!!

Sports and the Law After School

Grades 6–8

Sports and the Law After-School curriculum provides middle school youth with activities that reinforce academic, social, and athletic skills development. Designed to be facilitator-friendly and highly motivating for students, the Sports and the Law After-School curriculum contains structured, fun activities that:

1. Introduce law-related and civic education concepts.
2. Reinforce basic academic skills.
3. Promote teamwork and sportsmanship.
4. Help students develop and practice skills in a specific sport.

Each 8-session module includes step-by-step instructions for conducting in-class activities and a "Coach's Handbook" for leading organized games and sports. The curriculum also includes an optional student incentive program to promote academic achievement through cooperative learning.

RESOURCES AND MATERIALS PRICE LIST

Criminal Justice in America Student Edition	$12.95
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Law Camp 2000 Is a Success

Constitutional Rights Foundation successfully hosted its second annual Law Camp. Two separate week-long camps took place in July and August this past summer at UCLA. While living on the UCLA campus, Law Camp participants attended classes led by attorneys and UCLA professors, visited law offices, shared lunch with a judge, and observed a trial in session. Law Camp 2001 will also be held at UCLA. If you have students who are interested in attending, please contact Katie Moore. (Her e-mail address is **katie@crf-usa.org**; her telephone number is (213) 316.2104; or you can write her at CRF, 601 South Kingsley Drive, Los Angeles, CA 90005.)

Sports & Law After-School Curriculum Piloted

CRF staff has piloted the first module of the Sports & Law After-School curriculum at four middle school sites. Funded by an After-School Learning & Safe Neighborhoods Partnerships grant, this new CRF program provides activities to introduce basic law-related and civic education concepts and reinforce literacy skills. In addition, a field-of-play component provides structured activities to improve athletic abilities and practice teamwork and sportsmanship skills.

Thus far, over 150 students have piloted the first of eight modules and have expressed enthusiasm for the program. While many of the other after-school programs offer pure recreation, CRF's After-School Program provides students the opportunity to develop and apply a variety of skills, including critical thinking. As put by one pleasantly surprised 7th grader, *"I like this. It makes me think!"*

CRF Phone System Restored

On September 26, a light rainstorm damaged Constitutional Rights Foundation's telephone system. Our building was undergoing repairs to take it up to current earthquake code. The plastic sheeting covering the roof was not able to prevent water damage to the building. We are happy to report that a new roof now covers the building and a new telephone system is in place. We apologize to those who tried to contact us and were unable to do so. Please call again.

Come to CRF's Booth and Sessions at NCSS in San Antonio

Meet and talk with Constitutional Rights Foundation staff at the **80th National Council for the Social Studies Annual Conference**. The conference is scheduled for November 17–19 at the Henry B. Gonzalez Convention Center and the Marriott RiverWalk Hotel in San Antonio, Texas. Please come to our sessions and visit our booth. Our booth number in the convention center is 231 and is located near the NCSS Arena at the center of the exhibit hall. Come to the booth and peruse our current materials and talk with us about what interests you. The exhibit hall is open Friday, November 17, and Saturday, November 18, from 9 a.m. to 6 p.m. Constitutional Rights Foundation and Constitutional Rights Foundation Chicago will also be conducting sessions (described below) at the conference. Please fit us into your conference schedule.

NCSS Sessions Schedule

CRFC's THURSDAY PRECONFERENCE SESSION AT NCSS

The American Jury: Bulwark of Democracy
THU 1:00–4:00 Room 208

The two keystones to a free society are the ballot and the jury box. Learn how to tap into the "unused power" of the American Jury in your classroom.. The American Jury: Bulwark of Democracy is a project of the Constitutional Rights Foundation Chicago and is supported by a grant from the National Endowment for the Humanities, an independent federal agency.

CRFC's FRIDAY SESSIONS AT NCSS

The American Jury: On-Line Resources for the Classroom
FRI, 8:00–9:00, Room 214, Convention Center

This session introduces an exciting new web site for teachers, students, and anyone interested in the American Jury. Take a tour of on-line primary resources, materials, hotlinks, and classroom-tested lessons.

Reconstructing Questionable Immigrant Trials in America
FRI, 11:00–12:00, Room 214C, Convention Center

Technology in the Classroom: A collaborative effort between teacher and student to bring immigrant trials back to life using primary and secondary resources.

CRF'S AND CRFC'S SATURDAY SESSIONS AT NCSS

Teaching About Criminal Justice in America
SAT, 12:30–1:30, Room 217A, Convention Center

Take part in a lesson from the new edition to our perennial best-seller *Criminal Justice in America*, the best and most interactive introductory text on criminal justice available. (CRF)

Diversity and the American Jury
SAT, 12:30–1:30, Room 212A, Convention Center

This session will present reproducible lessons that explore the meaning of our constitutional right to a jury of peers. (CRFC)

The Fugitive Revisited
SAT, 5:00–6:00, Room 217A, Convention Center

Participants will examine the original trial of Dr. Sam Sheppard, the subsequent U.S. Supreme Court decision, and its impact on the concept of an impartial jury. (CRFC)

CRF's SUNDAY SESSION AT NCSS

The Challenge of Governance
SUN, 11:00–12:00, Room 205B, Convention Center

Hot off the presses, CRF's latest curriculum is based directly on the National Standards for Civics and Government. Join us and receive an exciting lesson that you can use Monday.

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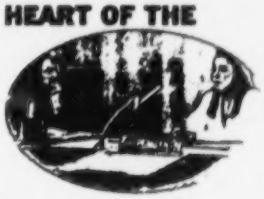

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PEOPLE v. DONOVAN—Issues of involuntary manslaughter, removal of traffic signs, and the protection against self-incrimination

PEOPLE v. CLEVENGER—Issues of vandalism, computer crimes, and search and seizure

PEOPLE v. CAUFIELD—Issues of car-jacking, three strikes, and due process

PEOPLE v. KELMAR—Issues of youth violence, homicide, and privacy

PEOPLE v. WHITMAN—Issues of child abduction, grand theft, and self-incrimination

PEOPLE v. BELL—Free expression, intergroup conflict, and arson

PEOPLE v. STOVER—Use of force, free expression, and hate crimes

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ABOUT CRF

Constitutional Rights Foundation is a non-profit, non-partisan citizenship education organization with programs and publications on law, government, civic participation, and service learning. Since 1962, CRF has used education to address some of America's most serious youth-related problems: apathy, alienation, and lack of commitment to the values essential to our democratic way of life.

Through a variety of civic-education programs developed by CRF staff, young people prepare for effective citizenship and learn the vital role they can play in our society. Empowered with knowledge and skills, our youth can interact successfully with our political, legal, and economic systems. CRF is dedicated to assuring our country's future by investing in our youth today.

HOW TO CONTACT US

For more information about CRF programs and curriculum materials, please contact our office at (213) 487-5590; fax (213) 386-0459; e-mail us at crf@crf-usa.org; or visit CRF's web site at **www.crf-usa.org**.

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Harry L. Usher

CRF is sad to mark the passing of its long-term board member and past president, Harry Usher. Our deeply felt condolences go to his wife, Jane, and the entire Usher family.

Harry's dedication to the foundation mirrored his passions: civic betterment and the love of sport. He served as president from 1990–1991 and made many contributions to CRF's educational celebration of the bicentennial of the Bill of Rights. Harry was also instrumental in the creation and ongoing development of the Sports and the Law program.

Harry's distinguished career encompassed the law, sports management and marketing, recruitment, and entertainment. He served as Executive Vice President/General Manager of the Los Angeles Olympic Organizing Committee, Commissioner of the United States Football League, Chairman of the Board of the 1991 Los Angeles Sports Festival Committee, and Western Regional Chairperson of the Ellis Island/Statue of Liberty Foundation.

Harry's wisdom and energy will be missed, but his contributions will be always remembered.

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